



Response to Presidential Memorandum – “Improving Availability of Relevant Executive Branch Records to the National Instant Criminal Background Check System”

U.S. Environmental Protection Agency Office of Criminal Enforcement, Forensics and Training September 19, 2013

The United States Department of Justice (DOJ) Guidance To Agencies Regarding Submission of Relevant Federal Records to the NICS (National Instant Criminal Background Check System) (hereafter “Guidance”) addresses the report and implementation plan that the President directed federal agencies by Memorandum, dated January 16, 2013, to submit concerning relevant records in their possession. This documents the Report and Implementation Plan of the Environmental Protection Agency’s Office of Criminal Enforcement, Forensics and Training (OCEFT).¹

Report and Implementation Plan

Federal agencies that possess relevant and reliable records created by a state or subdivision thereof are requested in Section II(A) of the Guidance to make those records available to the NICS. OCEFT supports certain state environmental criminal prosecutions and as a result, OCEFT possesses, but does not create, relevant and reliable records created by a state for the following relevant categories of persons as set forth in the Guidance: (1) Felons; (2) Fugitives from justice; and (3) Persons under indictment. Because OCEFT is not the creator of the relevant state records, OCEFT cannot submit relevant records to the relevant databases specified in Section III(A) of the Guidance. That is the responsibility of the relevant states. However, OCEFT will verify that the National Crime Information Center (NCIC) has the relevant state records for the cases that OCEFT supported and supports. If OCEFT determines that the state has not submitted relevant records to the NCIC for a case supported by OCEFT, OCEFT will provide the NICS the relevant records in OCEFT’s possession on a quarterly basis that are stored electronically on OCEFT’s Criminal Case Reporting System.

If you have any questions on this plan, please contact OCEFT Director Henry E. Barnet at (202) 564-2480.

¹ NOTE: EPA’s Office of Inspector General may also have information responsive to the Presidential Memorandum which we understand will be provided to you directly by their office.